

'THIRD DEGREE' IDEA ROT, SAYS ENRIGHT

Magazine Attack Prompts
Him to Deny His Men
Indulge in It.

'OFTEN USED AS ALIBI'

Whaley Indicted for Killing
Motz and Will Plead on
Monday.

CELL IS NEXT TO BODDY'S

William Loeser, Said to Be
Companion of Slayer of Two,
Under \$50,000 Bail.

Police Commissioner Enright in a statement last night said that third degree methods were not practiced in the Police Department.

The Commissioner was moved to make this statement by an editorial in the *Nation*, which said that the so-called "third degree" is responsible for a large part of the risk run by policemen in the performance of their duty. The Commissioner said:

"There is no brutality or third degree methods in the Police Department, and if the people responsible for the publication of such propaganda will tell me what they mean by third degree methods perhaps I may be able to enlighten them on a few things that they are now guessing at."

"The very publication of such a statement as third degree methods and brutality on the part of the police supplies the vicious element with all kinds of alibis. Luther Boddy, who shot and killed Detective Miller and Buckley of the West 135th street station, and William Hoey, recently convicted and sentenced for the killing of Policeman Neville, were mentioned in *The Nation* as being victims of the 'third degree.'"

"The negro that killed Policeman Motz read about Boddy's alleged complaint of police brutality and now says he shot Motz on account of the story he read of the brutal treatment given by the police to negro prisoners. Every one knows that this is simply pure rot. It is about time that the publishers stop printing articles about police brutality and the police methods when such stories only tend to give men like Boddy and the man who shot Policeman Motz an alleged excuse for their actions."

Whaley Indicted for Murder.
Frank Whaley, negro who killed Patrolman Motz in the 135th street station on Thursday night, was indicted yesterday for murder in the third degree. He is in a cell adjoining that of Luther Boddy in the Tombs.

It was a day full of swift action for Whaley, for New York justice moved speedily. Through all the court hearings and transfers from place to place, he moved mildly and answered questions with great amiability and no great coherence. The police placed no trust in his meekness, however, and most of the day was spent by Whaley handcuffed to two armed men, with others not far off.

In his cell late in the afternoon after Judge John F. McIntyre in General Sessions had set Monday as his day to plead to the indictment, Whaley made rambling answers to questions.

"My mind was sick," he insisted. "I didn't know I was doing it." Whalen told of wandering around all day, of swaying under a physician had given to him, of a feeling that his head was queer and of being taken to the police station after creating disturbance in an apartment house occupied by a physician. Earlier in the day he had said two girls had given something to him that made him dizzy.

Whaley is only about 5 feet 5 inches in height and fairly powerful in build. He had a cut on the back of his head, received in the fight after the shooting of Motz, but showed no signs of having been beaten.

After a night in the West 122d street police station, spent in sleep and in slugging a mugger, he was taken back down town immediately and arraigned.

Leonard A. Slinkin, former Municipal Court Justice, and J. H. Gilbert were assigned to defend him. He was asked for an adjournment until Tuesday. Judge McIntyre, on the objection of District Attorney Banton, refused, saying he intended to see that the case was speedily tried, and set Monday as the day for pleading. The trial will begin next week.

James Weldon Johnson, secretary of the National Association for the Advancement of Colored People, issued a statement pointing out that no race can be held responsible for the crimes or insanity of individuals, and appealing to citizens to think of the cases individually "and not to set vibrating the chords of race hatred."

Pal of Boddy's Held in \$50,000.

William Loeser, a twenty-three-year-old negro of 23 West 135th street, said by the police to have been a pal of Luther Boddy, was held in \$50,000 bail yesterday by Magistrate Oberwager on a charge of robbery.

Loeser was arrested on Thursday by Detectives Edwin C. McGrath and Edward Shields of the West 135th street station. Both were friends of Boddy. Miller and Buckley, who were attached to the same station. The two detectives said they found Loeser at Boddy's former home, 67 West 135th street. They asserted Loeser is what is known as a gun merchant and that it was he who supplied to Boddy the weapon he used on Miller and Buckley.

Loeser is charged with being one of three men who entered the cigar store of Eli Bolarsky, at 583 Lenox avenue on December 18, rifled the cash register and held up Bolarsky for about \$50. The police say Loeser was sentenced to the workhouse in 1919 for disguising himself as a United States sailor, and in 1920 was sentenced to the penitentiary for robbery.

NEW ARSON SQUAD MAKES FIRST DASH TO LOFT FIRE

Two Floors of Building Destroyed Off Greeley Square
Near Pennsylvania, McAlpin, Martinique and
Imperial Hotels—Adamson Custom Revived.

Dense clouds of smoke rolling up from a fire in the three story loft building in 126 and 128 West Thirty-second street last night about 8:30 o'clock poured into Greeley Square, stopping traffic and getting into the McAlpin, Martinique and Imperial hotels before windows and doors could be closed. The guests were notified quickly where the fire was, however, and there was no panic. The Hotel Pennsylvania, a big fire from the loft fire, got none of the smoke because the wind was from the west.

Patrolman Tausk of the West Thirtieth street station discovered the fire on the third floor of the building, occupied by Stammer & Kranz, manufacturers of celluloid buttons. Two alarms were turned in and the fire was got under control after the second and third floors had been destroyed.

The fire was the first attended and investigated by the new business squad of the Fire Department, which has been established by Chief Kenyon to answer all alarms in the loft district and aid in the investigation of fires in investigating cases of suspected arson.

Chief Kenyon said there was nothing whatever suspicious about last night's fire, but that it was a great relief would be reached by the members of the business squad. The squad was in existence in the administration of Commissioner Robert Adamson, but was abolished later. It has been reorganized by Chief Kenyon said, because of the increase in the number of fires, and in an effort to stop carelessness and other preventable causes of fires.

PROFESSOR FREED OF ASSAULT CHARGE

Columbia University Instruc-
tors in Court Again as Re-
sult of Their Altercation.

Prof. Ralph Culver Bennett of 421 West 117th street, who had an altercation with Prof. William Henry Carpenter, provost of Columbia University, on the porch of the latter's home at 417 West 117th street, was discharged by Magistrate Oberwager in Washington Heights court yesterday following his arraignment on a charge of assault made by Prof. Carpenter. In finding Prof. Bennett not guilty, Magistrate Oberwager said that it appeared from the testimony that Prof. Bennett had been struck first. Prof. Carpenter said after the discharge of Bennett that he intended to bring suit against the latter for false arrest.

The houses in West 117th street, on the exterior, at least. On December 19, when the provost was leaving his home, he found Prof. Bennett ringing his bell. Prof. Carpenter asked him the purpose of his call there. Prof. Bennett ignored the question and kept on ringing.

Prof. Carpenter struck Prof. Bennett across the knuckles with a cane. Prof. Bennett is alleged to have retaliated by punching Prof. Carpenter on the nose. When they first were arraigned in court Prof. Bennett put up the defense that he thought he was ringing the door bell of the house in which he makes his home, 421 West 117th street, and insisted that he had a right to defend himself when Prof. Carpenter struck him. The arrest of Prof. Bennett on a charge of assault followed.

When the hearing came up in Washington Heights court yesterday both professors were there, with John Thely Carpenter representing his father, the provost, and Lee L. Rosett of 115 Broadway appearing as counsel for Prof. Bennett.

Prof. Carpenter, a member of the university faculty for the last forty years, is 67 years old. Prof. Bennett is 43. They did not agree in their testimony as to the elder man's tap of the cane.

"This person," testified Prof. Carpenter, "walked up the steps of my home and rang the bell so insistently that I left the friends with whom I was sitting on the sidewalk and told him three times to desist. As he continued after my third admonition, in which I had not raised my voice, I brushed his two fingers off the bell with a light tap of this light cane. He instantly swung on me and struck me under the eye so forcibly that I bled profusely. I then called the house, where my wife and I ministered aromatic spirits of ammonia. I have suffered from a weak eye ever since. I am an old man and well known in this community. My one purpose in pressing this action is to go on record against a man who comes from nowhere abusing a respectable citizen of this city."

Laywer Rosett interposed an objection to Prof. Carpenter's referring to his client as "this person" and to the aromatic spirits going into the evidence, and asked Prof. Carpenter if he hadn't brought the action to end his career as the laughing stock of Columbia University.

Magistrate Oberwager rebuked the lawyer for his use of the words laughing stock.

Prof. Bennett was called to the stand and admitted that he had struck Prof. Carpenter in the face. "I did it without premeditation," he said, "and hadn't time to consider how hard I hit or where. I simply struck, and shrunk away from the blow. I didn't want to bring any more of the cane, which hit my fingers but my wrist, and a heavy blow. My one desire is to forget the matter, and I think that Prof. Carpenter ought to."

In dismissing the defendant as not guilty Magistrate Oberwager said: "There is no man in this city or even this country more known and esteemed as an educator than Prof. Carpenter, but we are dealing here with a question of law, and as the defendant was struck first I must find him not guilty of assault."

BURGLAR PROOF CARS START TO CARRY MAIL

New York Central Puts Sys-
tem on Route to Chicago.

The inauguration of regular service of burglar proof "container cars" in the carrying of United States mail between New York and Chicago was begun by the New York Central Railroad last night when the first "container car" left the West Thirty-third street yards, Manhattan, at 8 o'clock, after taking aboard the eight sectional steel safes which had been loaded and locked at the post office, transported to the railroad aboard motor trucks and fixed in position.

The container car system, it was learned, will be used by the Central for all kinds of less than carload freight and express shipments. Its use for United States mail was ordered by Will H. Hays, Postmaster General.

COLLIE SAVES HIS MASTER.

Calls Aid for Victim of Gas
Fumes.

WOODHURST, Mass., Jan. 20.—Bob, a big collie, saved the life of his master today. When the dog refused to be quieted Mrs. Joseph Siro followed him to the garage, where she found her husband prostrate and unconscious under his automobile.

A physician was summoned and Siro, who had been overcome by gas, was revived.

UTERMYER EXPOSES RENT GOUGING FRAUD

Continued from First Page.

cleaned the place up he disclaimed responsibility and said the matter was up to Feinberg & Levy. Further identity of that firm was not established.

Mr. Schiff, Sherk's lawyer, whose firm also is counsel for Newman & Jacobs, the second firm of landlords mentioned by Court Clerk Burns, told of title transfers by that company but denied there was any fraudulent intent.

"If there was any fraud," he said, "it would be yours," asked Mr. Utermeyer. "If there was a man of your ability ought to bring it out," retorted the witness.

"That you, we will," observed Mr. Utermeyer.

Negro Rentier Grows Rich.

Walt Terry, a negro operator, who gave his address as Brockton, Mass., said he held practically all of the \$750,000 stock of the Terry Holding Company, which operates a group of fifteen houses between 202 and 220 West 106th street. He also has a controlling interest in the Fifty Per Cent. Profit Sharing Company, another of the firms named by the bills of particulars.

The committee instructed Sherk to return next Thursday morning and to produce the bills of particulars that when asked to explain he admitted with a smile that it was usual to ask more of a tenant than it was expected the courts would allow.

"It seems to me," said Mr. Utermeyer, "that we should direct the attention of the Justices of the Municipal Court to the facts that have been disclosed here. It seems that in their determination of what is a fair rent they frequently do not go below the surface and examine the bills of title transfer, which are made as a basis for demanding extortionate rent increases."

The committee instructed Sherk to return next Thursday morning and to produce the bills of particulars in his various corporations. Accountants will prepare an analysis of the actual increased cost of the properties. This will be compared with Sherk's sworn statement in the bills of particulars in rent suits still pending.

More Electric Profits Shown.

The announcement as to the General Electric was made after Mr. Utermeyer had examined William R. Burrows, manager of the Edison Lamp Works, which with the National Lamp Works handles the bulb manufacturing business of the General Electric. Mr. Burrows told of the output of lamps which he said amounted to about 27,000,000 in 1920, of which the Westinghouse Company, another subsidiary, made 17,250 per cent, with the remainder divided equally between the Edison and National works.

Franklin S. Terry, manager of the National Lamp Works, gave similar testimony and confirmed other figures of the company's output and revenue introduced since the investigation began. He caused some amusement when he said that the company maintained a resort at Association Island, Lake Ontario, where officials with their wives and families meet on vacations and jollifications. He said Mr. Utermeyer's estimate of \$20,000 a year for the maintenance of the island resort was much too high, but admitted that the cost was charged against the lamp business of the company.

Mr. Utermeyer introduced a statement covering the years from 1901 to 1920 showing the percentage of plant expenditure which had been written off each year. It showed that in 1915 when \$4,862,000 had been expended on plant, \$5,985,000 or 123 per cent, had been written off as depreciation.

Mr. Utermeyer contends huge profits of the company's profits on its lamp business have been concealed.

SWANN WILL RESIGN WHEN WORK IS DONE

Expects to Finish Held Over
Cases Next Week.

Edward Swann, whose appointment as Deputy Assistant District Attorney upon his retirement from office as District Attorney of New York on December 31 was made known Thursday, expects to finish the cases upon which he is engaged and will resign next week.

Mr. Swann yesterday reiterated his denial that he had asked to be placed upon District Attorney Joab H. Banton's payroll at \$2,400 a year to qualify for municipal pension and insurance. He said he was working daily at the Criminal Courts Building to clear up cases that were held over from his term of office.

Asked yesterday if it was true that he would be eligible to receive a pension of \$2,000 a year if he put in two months and ten days more of service for the city, he said:

"I don't know. I haven't considered that at all, or taken into account in the least any matter of pensions."

AMERICAN CONTRABAND LIQUOR GOES TO CANADA

Windsor Officials Arrest Man
With 52 Bottles.

WINDSOR, Ont., Jan. 20.—Canadian dry agents to-day were trying to figure out whether the United States, with prohibition, was wetter than Canada, officially dry only in patches. Joseph D. Brown of Detroit, arrested at the ferry slip, was charged with trying to smuggle fifty-two bottles of American moonshine into Ontario, where sale of liquor is now within the province is banned. His automobile was seized.

Prohibition agents intimated that American bootleggers now were sending a flood of liquor across the border. A few months ago United States officials asserted the stream was running the other way.

'DRY' FINES PASS \$1,000,000.

Taxes and Penalties Also Total
Many Thousands.

WASHINGTON, Jan. 20.—Fines for violation of the prohibition law amounted to more than a million dollars in 1921, while many thousands of dollars were assessed in taxes and penalties, according to a report to Prohibition Commissioner Baynes to-day from Internal Revenue Collector Miller of Columbus. Mr. Miller reported that \$833,576.20 was collected according to official returns and added that there was no doubt that the actual total was greatly in excess of that sum owing to the fact that many municipalities had delayed their reports.

BOASTER ARRESTED IN BIG LIQUOR DEAL

Vanatta Had Announced He
Could Not Be Indicted as
Bootlegger.

SAID TO MAKE \$500,000

Accused in Case Involving Far-
rell, Who Used \$100,000 in
Rum Speculation.

John T. Vanatta, said to be chief of Brooklyn's bootleggers, was arrested Thursday night on a charge of conspiracy to violate the Volstead act. He was held in \$10,000 by Judge Chatfield in the Federal Court in Brooklyn yesterday.

In a suit for separation before Justice Crosey in the Supreme Court Vanatta's wife had testified that her husband's annual income from liquor deals amounted to at least \$500,000. Vanatta denied this, saying he was dependent on a small salary. Justice Crosey, however, ordered him to pay \$500 a month alimony.

Vanatta's arrest followed his indictment by the Federal Grand Jury in Brooklyn. He was charged with selling 250 cases of whiskey to Alfred E. Farrell, former partner of the New York Times, who secured the National Bank. Farrell pleaded guilty last July to using more than \$100,000 of the bank's funds for speculations in liquor. He was sentenced to serve nine years in the Federal penitentiary at Leavenworth, Kan., and recently was returned here from prison to testify before the Grand Jury. His testimony resulted in Vanatta's indictment.

The United States Attorney's office in Brooklyn has information that Vanatta often went to the New Utrecht bank before Farrell was indicted, and had many contacts with him.

In December, 1920, Vanatta was a witness in the trial of Leo and Herman Brenner, wholesale liquor dealers. He testified he had qualified as a dealer in liquor to them with the knowledge that he was violating the law. He displayed \$41,000 in bills and said he had twice that amount to fight any charge the Government might bring against him. He boasted that he had an "understanding" with certain persons, not named, who were to help him if he was indicted. Judge Chatfield at the time warned him that his testimony did not give immunity to him.

Vanatta's hearing has been set for next Monday, and it is likely that his trial will follow soon after.

Two wood alcohol cases were reported in Brooklyn. Edward Grant of 243 Eighth street was charged with selling wood alcohol to the Kings County Hospital from the Fulton street elevated station at Van Siclen and Pitkin avenues, where they were found in great distress.

Counsel for John Dunston of Jacksonville, where enforcement agents recently seized \$100,000 in choice liquors, made a motion before Judge Knox in Federal Court for the return of the liquor and the vacating of the search warrants obtained for the raids on the restaurant.

The case was referred to Judge Augustus N. Hand, who denied the motion. The plaintiff now has the right to move for a hearing in the matter.

TWO MEN MURDERED; BOOTLEGGING SUSPECTED

A Cripple and a Gangster
Held by Police in Brooklyn.

Two men were murdered yesterday in Brooklyn, one, Gus Hettrick, a veteran of the 16th Infantry, who was wounded at the Ourcq River, and the other, Frank de Mari, 26, of 42 Luquer street. Hettrick was killed at 346 Baltic street, and De Mari in front of his home. The police say De Mari had been mixed up with bootleggers.

They could find no one who had seen him shot, but Mrs. Rose Gargie, who lives in the doorway of her husband's grocery shop at 31 Luquer street, last night, saw De Mari reeling along the street, hands clasped to his stomach, where the bullet had entered.

At the hospital he kept saying, "I'll get myself." He died in half an hour.

For the slaying of Hettrick, who lived at 107 Douglass street, the police were holding last night Michael Rowell, whose basement home the shooting took place, and John May, 26, alleged bootlegger, known as "Whitney, the Cake Eater." Three other men, who attended a drinking bout which began Thursday night and ended with the shooting of Hettrick, while he was in a chair early yesterday morning, are being sought. Rowell, a cripple, was found in bed and denied knowledge of the shooting. May was arrested in Court street while on his way to give himself up.

WINE BOTTLE MURDER COSTS MAULA 10 YEARS

Boy Sent to Elmira Could
Be Free in 11 Months.

Giovanni Maula, 20, of 2197 First avenue, was sentenced to from ten to twenty years in State prison yesterday by Judge Rosalsky in General Sessions upon conviction of manslaughter in the first degree. Maula killed Samuel Magugli, 267 Pleasant avenue, on August 27, in a quarrel over payment for a bottle of wine.

Judge Rosalsky said: "This means you will be taken to Sing Sing Prison and then transferred because of your youth to Elmira Reformatory, under conditions laid down in Section 297 of the prison law of this State. I will order that the transfer be made from Sing Sing to Elmira Reformatory. In this way adequate punishment will be meted out to you."

If Maula had been sent directly to Elmira Reformatory he might have gained his freedom in eleven months. Under Section 297 Maula must be held the full minimum time set by the Judge.

MILLER PRAISES NEGROES.

Governor and La Guardia Speak at
Fifteenth Infantry Ball.

Governor Nathan L. Miller and F. H. La Guardia, former President of the Board of Aldermen, were the principal guests last night at the first annual ball and ball of the Fifteenth Infantry Regiment of the New York National Guard, held in the Manhattan Casino at 15th street and Eighth avenue. Gov. Miller, introduced by Col. Arthur Little, commander of the regiment, made a short talk praising the negro soldiers for their work during the war.

Those who headed the affair from the box included Mr. Miller, Mrs. Enrico Caruso, Mrs. Oliver Harriman, Mrs. J. C. Fairchild, Mrs. F. Payne Miller, Mrs. John C. S. Hopper. During the evening a collection of \$100 was taken up for the widow of Charles Johnson, the negro janitor killed on the night that Luther Boddy killed Detectives Miller and Buckley.

MILEAGE BILL UP TO-DAY.

WASHINGTON, Jan. 20.—The Senate agreed to-day to vote to-morrow on the bill authorizing the railroads to sell in interstate commerce the Fifteenth blocks of 5,000 miles at the rate of 2 1/2 cents a mile.

Other pending amendments would permit the sale of books containing as low as 1,500 miles.

One Drink Can Enjoin Saloon, Judge Decides

PROOF of the sale of one drink of liquor is enough for the Government to obtain an injunction against the saloon or restaurant in which the drink was obtained, Judge Julius W. Mack of the Federal Circuit Court decided yesterday. Federal Judge Garvin in Brooklyn has held that the Government must show that liquor has been sold "habitually, recurrently or continually on the premises."

Judge Mack was considering a motion for an injunction against the saloon of George Gernant at 22 East Thirtieth street. Samuel Kupperman, enforcement agent, said that on November 29 a drink was sold to him there for 50 cents by Bruno Weisner, a waiter. Although the waiter's name was not pending, Judge Mack said he would hold that a single sale made a place a common nuisance under the Volstead act.

CONDEMN ABOLITION OF 88TH ST. POLICE STATION

Park Community Protests to
Hylan and Enright.

The Board of Governors of the Park Community Council, made up of residents of the Park avenue and Fifth avenue section, passed a resolution at a recent meeting condemning the plan of abolishing the East Eighty-eighth street station and forwarding a copy of the resolution to the Police Commissioner and Mayor. A meeting of the council is to be held tomorrow evening to vote upon this resolution.

The East Eighty-eighth street station takes in the area from Seventy-ninth to Ninety-sixth street along the East Side Elevated Railroad and the Park Avenue. Under the Enright plan this would be abolished and consolidated with the Thirty-first and Thirty-ninth precincts, which are at Sixty-seventh and 104th streets.

Police Commissioner Enright failed to appear before the Board of Estimate yesterday to press his claim for \$212,500 in compensation to defray the expenses of station house construction and renovation, and the request was referred without comment to the committee of the whole, which will consider it at the meeting of January 30.

Two captains were promoted yesterday to the posts of Deputy Inspectors by a special order of Commissioner Enright. The new inspectors are James E. named, who is in the Second Inspection District, and James E. Troy of the Fourth Inspection District.

ANSWERS HIRSHFIELD IN BIRTH CONTROL CASE

Cravath Calls for Inquiry Into
Arrests, as Promised.

Paul D. Cravath in a letter last night to David Hirschfield, Commissioner of Accounts, said that the responsibility rested with the Commissioner for the investigation into the acts of the police in breaking up a birth control meeting at Town Hall and the arrest of Mrs. Juliet Barret Rublee at a hearing in Police Headquarters. Mr. Cravath said that the group of citizens with which he was associated in asking Mayor Hylan for an investigation had no part in the birth control movement but was interested in free speech.

In a letter January 17 Commissioner Hirschfield advised Mr. Cravath that a hearing would be conducted and that he proposed to hear all that might wish to speak concerning the subject of discussion at the Town Hall meeting.

Mr. Cravath informed the Commissioner last night that the names of witnesses who should be called are readily accessible to him and that they are the persons familiar with the accusations in question.

ENOUGH HELIUM IN U. S. FOR 20 YEARS DEFENSE

America Has Corner on New
Gas, Horologists Are Told.

There is a sufficient amount of "helium," the newly discovered gas, in this country to act as a defense for twenty years, in addition to its unlimited use for industrial or other purposes, according to a statement made last night by Dr. H. E. Howe, chairman of the division of research extension of the National Research Council of Washington.

The first annual dinner of the Horological Institute of America, held at the Hotel Astor.

"The United States has a veritable 'corner' on this most powerful gas," Dr. Howe said, "and can manufacture an almost inexhaustible supply, whereas all of Europe cannot obtain enough to fill one single balloon."

The Horological Institute of America was formed last July to promote interest in watch making and to standardize the certification of watchmakers.

Prof. Harold Jacoby, Rutherford professor of astronomy at Columbia University, spoke of the close relationship between astronomy, navigation and time.

The trials of a watchmaker and repairer for the general public were described by Dr. George F. Kunz of Tiffany & Co.

The bureau of watchmakers is planned by Dr. A. E. Beal, who represented that body. He urged that the general public place their repair work only with certified watchmakers.

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HEDLEY SAYS I. R. T. NEEDS NO RECEIVER

Contents Public, Stockholders
and Creditors Would Suffer
if Move Is Made.

Frank Hedley, President and General Manager of the Interborough Rapid Transit Company, filed an affidavit yesterday in the receivership suit brought by the Continental Securities Company, of which Clarence H. Verner is the head, showing that the Interborough is saving about \$1,600,000 a year through various economies.

THE NEW YORK HERALD on January 3 published an interview with Mr. Hedley telling of this saving, how the economies have been effected, and how the ability to pay these sums on debts would take the form of an answer to the receivership action.

Mr. Hedley's affidavit, as did his original statement, shows that the Interborough is more prosperous now than at any other time in recent years, and that this prosperity promises to become great enough to enable the company to make good the deferred preferential payments under its contract with the city and give it a corporate income of \$2,000,000. It was shown also that the Interborough to effect greater savings is negotiating with the Manhattan Railway Company for a reduction in the annual rent of \$500,000 which the Interborough has paid for twenty years for the use of the elevated lines in Manhattan. Mr. Hedley in his affidavit said:</